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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/990,852

11/21/2001

Michael Wengrovitz

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03/15/2006

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EXAMINER

SHEW, JOHN

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,852

Applicant(s)

WENGROVITZ, MICHAEL

Examiner

John L. Shew

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/30/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-19,21-24 and 26-31 is/are rejected.
- 7) ☒ Claim(s) 3,9,20 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 7 line 29 cites "session description 98" should be "session description 38".

Page 7 line 31 cites "session description 98" should be "session description 38".

Appropriate correction is required.

Claim Objections

2. Claim 31 is objected to because of the following informalities:

Claim 31 line 1, cites "all center agent" should be "call center agent".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al. (Patent No. US 6937699 B1).

Claim 1, Schuster teaches an internet protocol (IP) telephony system supporting an IP telephony session (Fig. 1, col. 6 lines 18-45) referenced by the first communication device 108a communication by a voice connection over the data network 106 to a second voice communication device 108b wherein the data network 106 is a Wide Area Network such as an IP network, the system comprising a calling end-point transmitting a request message for establishing a session with a called end-point (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 from User A at network telephone 208 to connect to User B at network telephone 218, a display coupled to the calling end-point for displaying information to a calling user (Fig. 3A, col. 17 lines 54-67)

referenced by the display 116 of User A for displaying a commercial message, a data store including information associated with the calling user (Fig. 2A, col. 8 lines 46-58) referenced by the User Database 153 of registered users, and a routing device coupled to the data store and the calling end-point (Fig. 2A, col. 8 lines 19-58) referenced by the Router 238 to perform routing functions between the network telephones 208a 208b and telephony connection server 151, the routing device receiving the request message and composing a response message having a message body (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, the message body being personalized based on information retrieved from the data store (Fig. 3A, col. 17 lines 27-53) referenced by the commercial message based on the registration connection information 270 of User A before sending the subscriber merchant's message, the routing device transmitting the response message to the calling end-point for display of the message body to the calling user (Fig. 3A, col. 17 lines 54-67) referenced by Response message 282 routed to User A with the commercial message 316 displayed on User A's Network Telephone 118 Display 116.

Claim 2, Schuster teaches wherein the message body includes instructions for the calling user (Fig. 3, col.17 lines 54-67) referenced by the instructions "Sunday Special Press HERE to order".

Claim 4, Schuster teaches wherein the message body is displayed to the calling user while awaiting connection with the called end-point (Fig. 3A, col. 18 lines 14-40) referenced by the User B to User A message 286 which occurs after the Response plus commercial message 282 sent to User A.

Claim 5, Schuster teaches wherein the routing device is a session initiation protocol server located at a call center (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 to the Data Network Telephony Connection Server 150 of the Service Provider Host 160.

Claim 6, Schuster teaches wherein the information is user profile information (Fig. 2A, col. 8 lines 32-67, col. 9 lines 1-12) referenced by the registration with user database 153 wherein user information is used for a caller to connect anywhere on the data network through which the SIP call is made.

Claim 7, Schuster teaches an internet protocol (IP) telephony system supporting a IP telephony session (Fig. 1, col. 6 lines 18-45) referenced by the first communication device 108a communication by a voice connection over the data network 106 to a second voice communication device 108b wherein the data network 106 is a Wide Area Network such as an IP network, the system comprising a calling end-point transmitting a request message for establishing a session with a called end-point (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 from User A at network

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telephone 208 to connect to User B at network telephone 218, a display coupled to the calling end-point for displaying information to a calling user (Fig. 3A, col. 17 lines 54-67) referenced by the display 116 of User A for displaying a commercial message, a data store including promotional information (Fig. 2A, col. 13 lines 22-32) referenced by the User Database 152 for the Advertisement Service 180, and a routing device coupled to the data store and the calling end-point (Fig. 2A, col. 8 lines 19-45, col. 13 lines 22-41) referenced by the Router 238 to perform routing functions between the network telephones 208a 218a and the Service Provider Host 160, the routing device receiving the request message and composing a response message having a message body (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, the message body including promotional information retrieved from the data store (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, the routing device transmitting the response message to the calling end-point for display of the message body to the calling user (Fig. 3A, col. 17 lines 54-67) referenced by Response message 282 routed to User A with the commercial message 316 displayed on User A's Network Telephone 118 Display 116.

Claim 8, Schuster teaches wherein the message body further includes instructions for the calling user (Fig. 3, col.17 lines 54-67) referenced by the instructions "Sunday Special Press HERE to order".

Claim 10, Schuster teaches wherein the message body is displayed to the calling user while awaiting connection with the called end-point (Fig. 3A, col. 18 lines 14-40) referenced by the User B to User A message 286 which occurs after the Response plus commercial message 282 sent to User A.

Claim 11, Schuster teaches wherein the message body further includes personal data associated with the calling user (Fig. 3A, col. 16 lines 27-40) referenced by the personal data of the commercial messaging feature such that "Pizza Palace" is displayed at the User A telephony display.

Claim 12, Schuster teaches wherein the routing device is a session initiation protocol server located at a call center (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 to the Data Network Telephony Connection Server 150 of the Service Provider Host 160.

Claim 13, Schuster teaches wherein the promotional information is customized based on user profile information (Fig. 3A, col. 16 lines 27-40) referenced by the personal data

of the commercial messaging feature such that "Pizza Palace" allowed to be displayed at the User A telephony display.

Claim 14, Schuster teaches An internet protocol (IP) telephony system supporting a session initiation protocol (SIP) (Fig. 1, col. 6 lines 18-45, Fig. 2B, col. 11 lines 7-13) referenced by the first communication device 108a communication by a voice connection over the data network 106 to a second voice communication device 108b wherein the data network 106 is a Wide Area Network such as an IP network and the Data Network Telephone 208 uses the SIP protocol, the system comprising a calling end-point a called end-point (Fig. 1, col. 6 lines 18-45, Fig. 2B, col. 11 lines 7-13) referenced by the first communication device 108a communication by a voice connection over the data network 106 to a second voice communication device 108b, a display coupled to the called end-point for displaying information to a called user (Fig. 4A, col. 19 lines 27-49) referenced by the "Commercial Message" displayed at User B Data Network Telephone 218, a data store including information about a calling user (Fig. 2A, col. 8 lines 46-58) referenced by the User Database 153 of registered users, and a routing device coupled to the data store for establishing a SIP session between the calling end-point and the called end-point, (Fig. 3A, Fig. 3B, col. 17 lines 27-53, col. 18 lines 14-24) referenced by the Service Provider Host 160 coupled to the User B database 155 in establishing the Voice Over Data Channel links 286 288 between User A and User B, the routing device receiving a first SIP message from the calling end-point (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410

from User A Data Network Telephone 208 to the Data Network Telephony Connection Server 150, and composing a second SIP message having a message body (Fig. 3A, Fig. 3B, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the SIP RESPONSE message 420 which includes the commercial message, the message body including information about the calling user retrieved from the data store (col. 16 lines 26-40, Fig. 3A, Fig. 3B, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the SIP RESPONSE message 420 which includes the commercial message which is based on the user registry for commercial messaging, the routing device transmitting the second SIP message to the called end-point for display of the information to the called user (Fig. 4A, col. 19 lines 27-49) referenced by the "Commercial Message" displayed at User B Data Network Telephone 218 through Data Channel 286 which includes a commercial message.

Claim 15, Schuster teaches wherein the information includes user profile information (col. 16 lines 27-40) referenced by the user profile data User A through subscription to the Caller ID service.

Claim 16, Schuster teaches wherein the routing device is a SIP server located at a call center (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 to the Data Network Telephony Connection Server 150 of the Service Provider Host 160.

Claim 17, Schuster teaches wherein the called user is a call center agent (Fig. 2A, col. 13 lines 33-41) referenced by the Data Network Telephone 218a operated by a call center agent of a Pizza Place.

Claim 18, Schuster teaches a method for establishing an internet protocol telephony session between a calling end-point and a called end-point (Fig. 1, col. 6 lines 18-45) referenced by the first communication device 108a communication by a voice connection over the data network 106 to a second voice communication device 108b wherein the data network 106 is a Wide Area Network such as an IP network, the method comprising: transmitting a request message for establishing a session with the called end-point (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 from User A at network telephone 208 to connect to User B at network telephone 218, retrieving information of a calling user from a data store (Fig. 2A, col. 8 lines 46-58) referenced by the User Database 153 of registered users, composing a message in response to the request message (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, the composed message being personalized based on the retrieved information (Fig. 3A, col. 17 lines 27-53) referenced by the commercial message based on the registration connection information 270 of User A before sending the subscriber merchant's message, including the composed message in a body of a response message (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col.

19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, transmitting the response message to the calling end-point and displaying to the calling user the message included in the body of the response message (Fig. 3A, col. 17 lines 54-67) referenced by Response message 282 routed to User A with the commercial message 316 displayed on User A's Network Telephone 118 Display 116.

Claim 19, Schuster teaches wherein the message includes instructions for the calling user (Fig. 3, col.17 lines 54-67) referenced by the instructions "Sunday Special Press HERE to order".

Claim 21, Schuster teaches wherein the message is displayed to the calling user while awaiting connection with the called end-point (Fig. 3A, col. 18 lines 14-40) referenced by the User B to User A message 286 which occurs after the Response plus commercial message 282 sent to User A.

Claim 22, Schuster teaches wherein the information is user profile information (Fig. 2A, col. 8 lines 32-67, col. 9 lines 1-12) referenced by the registration with user database153 wherein user information is used for a caller to connect anywhere on the data network through which the SIP call is made.

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Claim 23, Schuster teaches a method for establishing an internet protocol telephony session between a calling end-point and a called end-point (Fig. 1, col. 6 lines 18-45) referenced by the first communication device 108a communication by a voice connection over the data network 106 to a second voice communication device 108b wherein the data network 106 is a Wide Area Network such as an IP network, the method comprising transmitting a request message for establishing a session with the called end-point (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 from User A at network telephone 208 to connect to User B at network telephone 218, composing a message including promotional information in response to the request message (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message, including the composed message in a body of a response message (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 17 lines 40-53, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message inserted into the body of the response, transmitting the response message to the calling end-point and displaying to a calling user the message included in the body of the response message (Fig. 3A, col. 17 lines 54-67) referenced by Response message 282 routed to User A with the commercial message 316 displayed on User A's Network Telephone 118 Display 116.

Claim 24, Schuster teaches wherein the message further includes instructions for the calling user (Fig. 3, col.17 lines 54-67) referenced by the instructions "Sunday Special Press HERE to order".

Claim 26, Schuster teaches wherein the message is displayed to the calling user while awaiting connection with the called end-point (Fig. 3A, col. 18 lines 14-40) referenced by the User B to User A message 286 which occurs after the Response plus commercial message 282 sent to User A.

Claim 27, Schuster teaches wherein the message further includes personal data associated with the calling user (Fig. 3A, col. 16 lines 27-40) referenced by the personal data of the commercial messaging feature such that "Pizza Palace" is displayed at the User A telephony display.

Claim 28, Schuster teaches wherein the promotional information is customized based on user profile information (Fig. 3A, col. 16 lines 27-40) referenced by the personal data of the commercial messaging feature such that "Pizza Palace" allowed to be displayed at the User A telephony display.

Claim 29, Schuster teaches a method for establishing a session initiation protocol (SIP) session between a calling end-point and a called end-point (Fig. 1, col. 6 lines 18-45, Fig. 2B, col. 11 lines 7-13) referenced by the first communication device 108a

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communication by a voice connection over the data network 106 to a second voice communication device 108b wherein the data network 106 is a Wide Area Network such as an IP network and the Data Network Telephone 208 uses the SIP protocol, the method comprising transmitting a first SIP message for establishing the SIP session with the called end-point (Fig. 3A, Fig. 3B, col. 18 lines 55-67) referenced by the SIP INVITE message 410 from User A at network telephone 208 to connect to User B at network telephone 218, retrieving information of a calling user from a data store (Fig. 2A, col. 13 lines 22-32, col. 16 lines 26-40) referenced by the User Database 152 for the Advertisement Service 180 to which register users subscriber to the commercial messaging service and Caller ID service, composing a message including at least a portion of the retrieved information in response to the request SIP message (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 17 lines 40-53, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message inserted into the message body, including the composed message in a body of a second SIP message (Fig. 2A, col. 12 lines 62-67, col. 13 lines 1-5, Fig. 3A, col. 17 lines 40-53, col. 18 lines 55-67, col. 19 lines 1-7) referenced by the Service Provider Host 160 receiving the Request 280 and providing a Response 282 with a Commercial Message inserted into the message body, transmitting the second SIP message to the called end-point (Fig. 4A, col. 19 lines 50-63, Fig. 4B) referenced by the Data Channel 486 with the commercial message to User B Data Network Telephone 218, and displaying to a called user the message included in the body of the second SIP message (Fig. 4A, col. 19 lines 50-63, Fig. 4B)

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referenced by the Commercial Message displayed at User B's Data Network Telephone.

Claim 30, Schuster teaches wherein the information includes user profile information (Fig. 4A, col. 16 lines 26-40) referenced by the register user's subscription to the Caller ID service which provides the user profile information at the destination end point Data Network Telephone.

Claim 31, Schuster teaches wherein the called user is a all center agent (Fig. 2A, col. 13 lines 33-41) referenced by the Data Network Telephone 218a operated by a call center agent of a Pizza Place.

Allowable Subject Matter

4. Claims 3, 9, 20, 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Citation of Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pub. No. US 2002/0018464 A1, Kikinis discloses integrating SIP control messaging into existing communication center routing infrastructure. Patent No. US 6744759 B1, Sidhu et al. discloses a system for providing user-configured telephone service in a data network telephony system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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FRANK DUONG
PRIMARY EXAMINER